

TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD

vs.

CALEB COLE JACKSON
TX-1324707-R

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DOCKETED COMPLAINT NO.
10-087

AGREED FINAL ORDER

On this the 18th day of May, 2012, the Texas Appraiser Licensing and Certification Board, (the Board), considered the matter of the certification of Caleb Cole Jackson (Respondent).

In order to conclude this matter Caleb Cole Jackson neither admits nor denies the truth of the Findings of Fact and Conclusions of Law contained herein and further agrees to the disciplinary action set out in this Agreed Final Order. The Board makes the following findings of fact and conclusions of law and enters this Order in accordance with TEX. OCC. CODE § 1103.458:

FINDINGS OF FACT

1. Respondent, Caleb Cole Jackson, is a certified residential appraiser who currently holds TX-1324707-R and held that certification number during all times material to the above-noted complaint cases.
2. Respondent appraised 2850 FM 2452, Corsicana, Texas 75110 (the "property") on or about July 3, 2009.
3. Thereafter, a complaint relating to this real estate appraisal report was filed with the Board. The complaint alleged that Respondent's appraisal was deficient, in violation of the Uniform Standards of Professional Appraisal Practice ("USPAP") and not completed properly.
4. After receipt of the complaint, the Board, in accordance with the mandate of the Administrative Procedure Act (the APA), TEX. GOV'T CODE ANN. CHPT. 2001, and TEX. OCC. CODE CHPT. 1103, notified Respondent of the nature of the accusations involved and Respondent was afforded an opportunity to respond to the accusations in the complaint. Respondent's response to the complaint was received.
5. Respondent violated TEX. OCC. CODE § 1103.405, 22 TEX. ADMIN. CODE §§ 153.20(a)(3) and 155.1(a) by the following acts or omissions which did not conform to USPAP in effect at the time of the appraisal report for the property:

- a) USPAP Ethics Rule (record keeping provisions) – Respondent failed to comply with the record keeping provisions of USPAP's ethics rule because he failed to maintain a work file containing all data, information, and documentation necessary to support his analyses, opinions and conclusions;
 - b) USPAP Scope of Work Rule – Respondent failed to support his work with the relevant evidence and logic necessary to obtain credible assignment results;
 - c) USPAP Standards 1-2(e)(iv) & 2-2(b)(viii) -- Respondent failed to accurately report the property's zoning;
 - d) USPAP Standards 1-3(a) & 2-2(b)(viii) -- Respondent failed to report the neighborhood boundaries correctly and failed to correctly report market area trends for the property;
 - e) USPAP Standards 1-4(b)(i) & 2-2(b)(viii); 1-4(b)(ii) & 2-2(b)(viii); 1-4(b)(iii) & 2-2(b)(viii); and, 1-1(a) & 1-4(b) -- Respondent failed to provide support and summarize his analysis of his determination of the property's site value; the cost new of improvements and accrued depreciations;
 - f) USPAP Standards 1-1(a) & 1-4(a) -- Respondent failed to employ recognized methods and techniques in the Sales Comparison Approach; and,
 - g) USPAP Standards 1-1(a), 1-1(b), 1-1(c); and, 2-1(a) – Respondent produced report for the property that contained several substantial errors of omission or commission by not employing correct methods and techniques and not analyzing and reconciling significant and material information he had a duty to analyze and reconcile. This resulted in an appraisal report that was not credible or reliable.
6. Respondent omitted material facts as described in more detail above.
7. The parties enter into the following consent order in accordance with TEX. OCC. CODE § 1103.458.

CONCLUSIONS OF LAW

- 1. The Texas Appraiser Licensing and Certification Board has jurisdiction over this matter pursuant to the Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE § 1103 et. seq.
- 2. Respondent violated the above-noted provisions of USPAP as prohibited by TEX. OCC. CODE § 1103.405 and 22 TEX. ADMIN. CODE §§ 155.1(a) and 153.20(a)(3).
- 3. Respondent violated 22 TEX. ADMIN. CODE § 153.20(a)(9) by omitting material facts.

4. The parties are authorized to resolve their dispute by means of a consent order in accordance with Tex. Occ. Code §1103.458.

Based on the above findings of fact and conclusions of law, the Board **ORDERS** that the Respondent shall:

(a) Have his certification suspended for eighteen (18) months with this suspension being fully probated under the following conditions:

i.. Six (6) months after the completion of the twelve (12) hour in-person mentorship and the "Staying of Trouble" course, infra (b) and (c), Respondent shall submit on a form prescribed by the Board, an appraisal experience log to the Board. The log shall detail all real estate appraisal activities he has conducted for the previous six month period immediately following the completion of the mentorship and course. This experience log shall be signed by Respondent and contain a notarized affidavit attesting that the log is true, complete and fully accurate;

ii. Upon request from the Board, Respondent shall provide copies of his appraisal reports and work files for any appraisal assignments he performs during the course of the six (6) month period within the twenty (20) days of notice of any such request;

(b) Within six (6) months of the effective date of this order, Respondent shall complete twelve (12) hours of in-person mentorship conducted by a certified USPAP instructor approved by the Board. Upon completion of the requisite mentorship hours, and, within six (6) months of the effective date of this order, Respondent shall submit on a form provided by the Board, a signed, notarized affidavit attested by the certified USPAP instructor confirming completion of the mentorship hours;

(c) Attend and complete a minimum, seven (7) classroom-hour course in Staying Out of Trouble (sometimes this course is offered as two separate 3.5 hour courses, one entitled Staying Out of Trouble in Your Appraisal Practice and the other entitled Quality Assurance);

i. No examination shall be required for this course;

(d) Pay to the Board an administrative penalty of three thousand dollars (\$3,000.00), within twenty (20) days of the effective date of this order;

(e) Fully and timely comply with all of the provisions of this Agreed Final Order; and,

(f) Comply with all future provisions of the Act, the Rules of the Board, and USPAP in the future or be subjected to further disciplinary action.

ALL CLASSES required by this Agreed Final Order must be classes approved by the Board and must be completed within **TWELVE (12) MONTHS** of the date of this Order and documentation of attendance and successful completion of the educational requirements of this Order shall be delivered to the Board on or before the end of the twelve-month period indicated. None of the classes or seminars required by this Order may be taken through correspondence courses. Unless otherwise noted above, all classes must be in-class, have an exam, and Respondent must have a passing grade on the exam given in each class. None of these required classes will count toward Respondent's continuing education requirements for certification. Respondent is solely responsible for locating and scheduling classes to timely satisfy the terms of this agreement.

Payment of the **ADMINISTRATIVE PENALTY** must be by certified funds, and must be tendered within **TWENTY (20) DAYS** of the date of this Agreed Final Order.

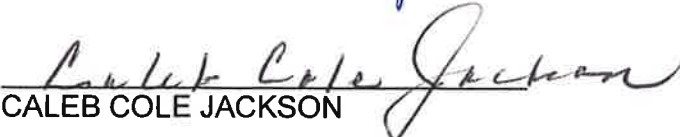
FAILURE TO COMPLY WITH ANY OF THE TERMS OF THIS AGREED FINAL ORDER WITHIN THE TIME ALLOTTED shall result in **IMMEDIATE SUSPENSION** of the Respondent's certification pursuant to notice to the Respondent from the Board indicating that the Respondent has not fulfilled the requirements of this Agreed Final Order.

ANY SUCH SUSPENSION SHALL BE EFFECTIVE WITHOUT THE NEED FOR A HEARING OR OTHER ADMINISTRATIVE DUE PROCESS UNDER THE TEXAS APPRAISER LICENSING AND CERTIFICATION ACT OR THE ADMINISTRATIVE PROCEDURE ACT, AND RESPONDENT SPECIFICALLY WAIVES ANY SUCH HEARING OR DUE PROCESS. Respondent shall be notified of any such suspension by mail or email, to the last known address as provided to the Board. If Respondent's certification is suspended on such a basis, the suspension shall remain in effect for the remainder of the 18 month probation period.

Respondent, by signing this Agreed Final Order, waives the Respondent's right to a formal hearing and any right to seek judicial review of this Agreed Final Order. Information about this Agreed Final Order is subject to public information requests and notice of this Agreed Final Order will be published on the Board's web site.

THE DATE OF THIS AGREED FINAL ORDER shall be the date it is executed by the Chairperson of the Texas Appraiser Licensing and Certification Board. The Chairperson has been delegated the authority to sign this Agreed Final Order by the Texas Appraiser Licensing and Certification Board vote.

Signed this 3rd day of April, 2012.


CALEB COLE JACKSON

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 3rd day of April, 2012, by CALEB COLE JACKSON, to certify which, witness my hand and official seal.

Sherlyn Curtis
Notary Public Signature



Sherlyn Curtis
Notary Public's Printed Name

Signed by the Standards and Enforcement Services Division this 17th day of May, 2012.

Kyle Wolfe
Kyle Wolfe, TALCB Staff Attorney

Signed by the Commissioner this 18 day of May, 2012.

Douglas E. Oldmixon
Douglas E. Oldmixon, Commissioner
Texas Appraiser Licensing and Certification Board

Approved by the Board and Signed this 18 day of May, 2012.

Luis De La Garza
Luis De La Garza, Chairperson
Texas Appraiser Licensing and Certification Board